

60.427-242

REMARKS

Claims 1, 3, 5-15, and 17-21 remain in the application including independent claims 1, 3, 10, 17, and 20. New claims 22-32 have been added including independent claim 22. Claims 18-19 have been allowed. Claims 3, 4, 16, and 17 were indicated as being allowable if re-written in independent form. Claim 3 has been re-written in independent form and claim 4 has been incorporated into claim 1. Claim 17 has been re-written in independent form and claim 16 has been incorporated into claim 10. Thus, claims 1, 3, 5-15, and 17, as indicated in the examiner's previous official action, should be in condition for allowance. Further, each of the independent claims is a generic claim.

Applicant also traverses the groupings set forth by the examiner. Applicant's invention relates to a method and apparatus for mounting an active noise attenuation system in a vehicle. Specifically, the claims are directed toward a bracket that is used to attach an active noise attenuation system housing to a vehicle structure. Figure 1 shows an embodiment where at least one bracket, and preferably a plurality of brackets, is used to attach the housing to the vehicle structure. Figure 7 shows an embodiment where a single bracket member with a plurality of bracket leg portions is used to attach the housing to the vehicle structure. As requested by the examiner, applicant is enclosing a copy of Figures 1 and 7 that are highlighted to show the differences between the two embodiments. The different attachment methods, shown in Figures 2-6 and 8-9 can be used in either the embodiment of Figure 1, or the embodiment of Figure 7.

The examiner argues that the species shown in Figure 7 is "drawn to a bracket mount for attachment to a housing comprising a single bracket body member that mounts a speaker housing and an air cleaner housing with a pre-made brackets molded in the housing." The examiner is

60.427-242

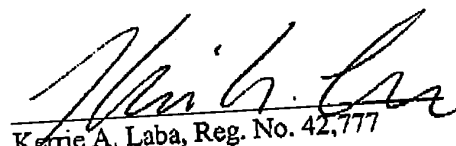
attempting to limit the embodiment of Figure 7 to the attachment method shown in Figure 4. Nowhere in the specification does it state that Figure 7 is limited to the attachment shown in Figure

4.

In response to the restriction requirement, applicant elects Figure 7. Claims 1, 3, 5-15, 17-21, and new claims 22-31 read on this species.

Applicant believes that no additional fees are necessary, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

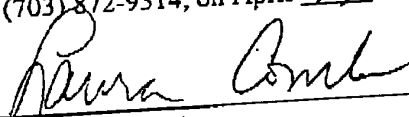
Respectfully submitted,


Kerrie A. Laba, Reg. No. 42,777
Carlson, Gaskey & Olds
400 W. Maple Road, Ste. 350
Birmingham, MI 48009
(248) 988-8360

Dated: April 17, 2003

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States patent and Trademark Office, fax number (703) 872-9314, on April 17, 2003.


Laura Combs